

BACK TO BASICS

Executive Summary



2018 Environmental Protection Report

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Environmental
Commissioner
of Ontario

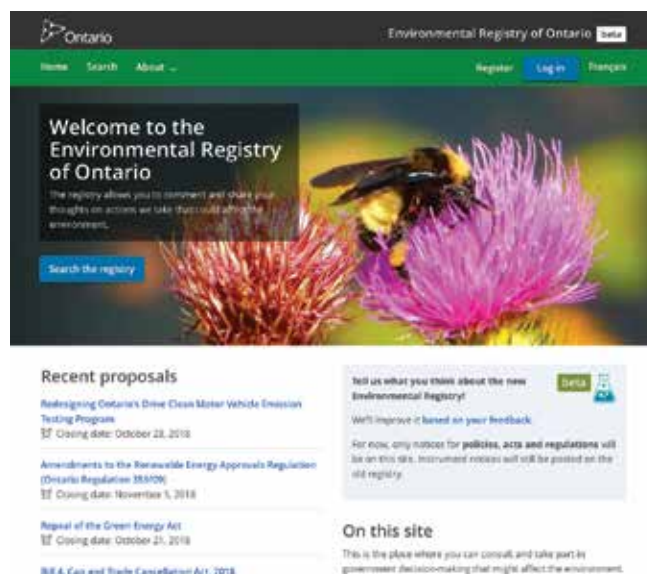
Executive Summary

Volume 1: Respecting the Public's Voice on the Environment

The Environmental Bill of Rights: A strong tool for people and the environment.

The Environmental Bill of Rights (EBR) is a unique law: it gives the people of Ontario a voice in protecting the environment. While the Ontario government has the primary responsibility for protecting, conserving and restoring the natural environment, the EBR helps the public participate in provincial decisions that significantly affect the environment. In this volume, we report on ministry compliance with EBR requirements, as well as the public's use of EBR tools, during the 2017/2018 fiscal year (April 1, 2017 – March 31, 2018).

Chapter 1 describes overall government compliance with, and the public's use of, the EBR. **Chapter 2** reports on the public's use of EBR applications and the ECO's overall assessment of how ministries handled those applications. The ECO highlights the story of two



Chapter 1 highlights a long-awaited success: progress on an updated Environmental Registry that better serves the public.

Ontarians who successfully used an EBR application to prompt the development of a new and much-needed agricultural soil health strategy.

Chapter 3 presents the ECO's EBR Report Cards for the 17 ministries that were subject to the EBR in 2017/2018. Congratulations to those ministries who better respected their key EBR obligations this year.

Prescribed Ministry	Quality of notices for policies, acts and regulations posted on the Environmental Registry	Quality of notices for instruments posted on the Environmental Registry	Promptness of posting decision notices on the Environmental Registry	Keeping notices on the Environmental Registry up to date	Handling of applications for review and investigation	Avoiding overdue applications for review	Considering Statements of Environmental Values (SEVs)	Co-operation with ECO requests	Overall trend since 2017
Ministries with a high EBR workload									
MECP	→	→	↗	→	→	→	→	→	↗
MNRF	→	→	→	→	→	→	→	↗	↗

Quality of performance:

- Meets or exceeds expectations
- Needs improvement
- Unacceptable

- ↗ Quality of performance has improved since 2016/2017
- Quality of performance unchanged since 2016/2017
- ↘ Quality of performance has declined since 2016/2017

EBR performance of the ministries with the highest EBR workload: the Ministry of the Environment, Conservation and Parks and the Ministry of Natural Resource and Forestry.

Volume 2: Clean Water

Chapter 1: Protecting Ontario's Drinking Water from Pollution

There were hundreds of significant threats to municipal drinking water. Because of Walkerton, they are now better controlled.

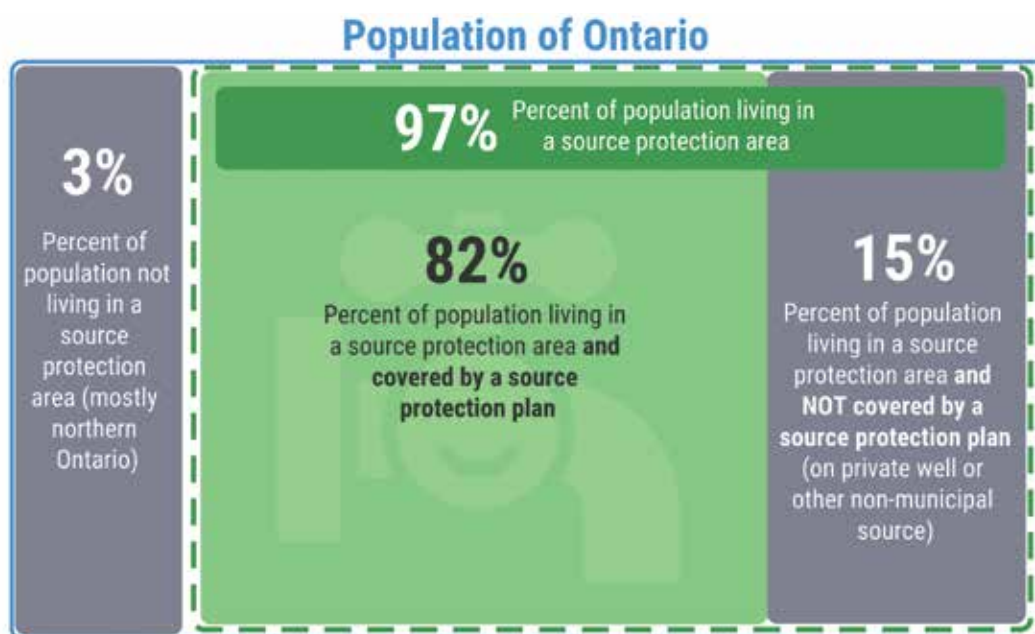
The contaminated drinking water tragedy in Walkerton, Ontario in May 2000 set in motion a new era in drinking water regulation in the province. After years of intensive work, local committees have developed 38 source protection plans under the Clean Water Act to help protect municipal drinking water sources.

After all that effort, are sources of drinking water safer? For the 82% of Ontarians whose drinking water sources are protected by the Clean Water Act, the answer is yes, with much more work to do. Source protection committees have identified hundreds of significant pollution threats to municipal drinking water sources, and have done what they can to manage them.



Photo credit: Conservation Ontario

But committees have not been given the tools needed to properly regulate some important threats, such as above-ground outdoor fuel tanks, manure spreading and contaminated sites. Pollution threats are not static, and vigilance to protect drinking water sources will always be needed, yet uncertainty about funding leaves the future of this critical program up in the air. And the source protection framework does not protect most Ontario lakes, rivers and groundwater, including the drinking water sources of Ontarians with private wells, or in most northern and Indigenous reserve communities.



Source: Created by the ECO, based on data from the MECP.

The government should:

- use the knowledge and tools developed through the source protection program to protect other water resources from contamination, particularly drinking water sources for the other 18% of Ontarians
- allow source protection committees to regulate significant threats to groundwater from above-grade outdoor fuel storage tanks
- require the Technical Standards and Safety Authority to protect municipal drinking water when it regulates liquid fuels that are a significant threat
- ensure nutrient management plans for farms within vulnerable source water areas protect drinking water sources from manure threats
- ensure remediation or control of historical contamination that poses a significant threat to municipal drinking water sources, and
- commit adequate multi-year funding for the source protection program.

Chapter 2: Polluting Our Waters

Fresh water is precious. Government allows too much pollution to pour into it.

Ontario is lucky to have so many lakes and rivers, containing some of the most abundant fresh water in the world. Unwisely, we still pollute many of them. This pollution threatens many aquatic ecosystems, impairs Ontarians' ability to swim and fish, and harms economic activities that rely on clean water.

Provincial laws have reduced many types of water pollution over the last half-century. But deliberate gaps in these laws are allowing some big water pollution



Phosphorus pollution contributes to algal blooms. Some algae can be toxic to fish, animals and people, such as the blue-green algal bloom off the southeast shore of Pelee Island, Ontario in 2011.

Photo credit: Tom Archer. Used with permission.

problems to persist or worsen. Raw municipal sewage, agricultural runoff, toxic industrial wastewater and road salt are four significant sources of pollutants that threaten Ontario waters, compounded by population growth and climate change.

In heavy rains, 44 Ontario municipalities still overflow their combined sewers and spill filthy, bacteria-laden sewage into lakes and rivers. Combined sewers are the primary source of raw sewage discharges, causing 766 overflows in the last year. Over 30 years after banning new combined sewers, the government has still not required municipalities to take all practicable steps to stop these overflows.

The government has not taken effective steps to stop agricultural runoff into fresh water, a major contributing cause of algae growth. Poorly monitored programs with too little funding and insufficient regulations have not worked.

The government allows industries to dump 58 toxic wastes directly into lakes and rivers, up to limits set 25 years ago to suit then-available technology. Promises to keep the limits up to date have never been kept.

And the government continues to allow too much road salt to poison lakes and rivers, even though some of it is wasted and could easily be reduced.

This pollution is neither inevitable nor necessary. Ontario should not keep tolerating the regulatory failures that allow so much pollution of our waters.

To reduce the pollutants pouring into Ontario's waters, the government should:

- require every municipality with combined sewers to do everything practicable to virtually eliminate combined sewer overflows within a reasonable time, including Pollution Prevention Control Plans, stormwater fees, and green infrastructure
- ensure dramatic reductions in phosphorus runoff from farms with clear targets, effective monitoring, and financial incentives
- set up-to-date limits on toxic industrial wastewater, i.e., require industries to use the best current technology to keep toxics out of Ontario waters and to virtually eliminate discharges of persistent toxic substances, and
- require municipalities, and encourage contractors, to minimize road salt pollution of Ontario waters.



Volunteers collect aquatic samples at an Ontario BioBlitz event.

Photo credit: Stacey Lee Kerr/Ontario BioBlitz/flickr, (CC-BY-NC-SA 2.0).

Volume 3: Wildlife and Wilderness

Chapter 1: Better Science, Better Decisions: Monitoring Ontario's Species and Ecosystems

Ontario collects a lot of data, but we need to connect the dots.

Biodiversity is crucial in supporting “ecosystem services,” such as air purification, pollination and disease suppression, many of which offer direct benefits to human health. Yet globally, we are losing species at a rate that is unprecedented in history – the world’s species are going extinct at 1,000 times the natural rate. Ontario’s species are under tremendous pressure from habitat destruction, invasive species, overexploitation, pollution, disease and parasites, and climate change.

To protect wildlife and wilderness, the first step is the right information. The Ontario government, in partnership with others, collects much information about nature. But raw data from uncoordinated programs can only get us so far.

The government needs to effectively collect, analyze and share data to identify problems and trends, and to know which actions will most effectively conserve wildlife and wilderness.

Ontario should also show more respect and support for the nature conservation work done by dedicated volunteers and non-profit organizations across Ontario, such as the Ontario Biodiversity Council.

The government leans heavily on their work to justify cutting back its own, but has not reciprocated with the modest funding commitments that they need. Sustaining and enhancing these valuable collaborations is highly cost-effective.

The Ministry of Natural Resources and Forestry should:

- commit to adequate long-term support for the Ontario Biodiversity Council and its reporting on the State of Ontario's Biodiversity.

Chapter 2: Keeping Nature Healthy: Managing Wildlife Disease in Ontario

Wildlife disease is a threat to biodiversity and people. Are we prepared?

Wildlife diseases can have devastating impacts on plants, animals, agriculture, our economy and our own health. Recent examples include declines in Ontario's bats and the spread of illnesses like Lyme disease.

The Ontario government has been doing a good job preventing, detecting and managing wildlife disease, but we can expect the task to get harder as Ontario's climate becomes warmer and wilder. The government should maintain, and when needed strengthen, wildlife disease surveillance, in co-operation with the Canadian Wildlife Health Co-operative. When it comes to the shared health of Ontarians and our wildlife, cutting corners would be penny wise and pound foolish.

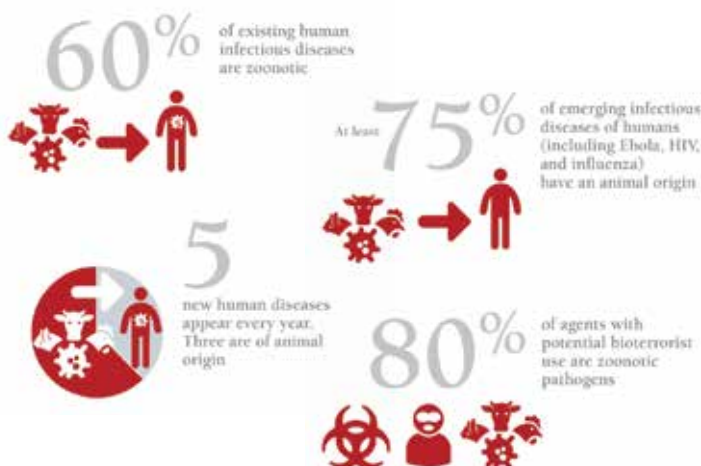
The provincial government should:

- commit long-term funding to the Canadian Wildlife Health Co-operative.



A little brown bat suffering from white-nose syndrome.

Photo credit: Ryan von Linden/USFWS, (CC-BY 2.0).



Many infectious diseases originate in wildlife populations.

Source: World Organisation for Animal Health (www.oie.int). Used with permission.

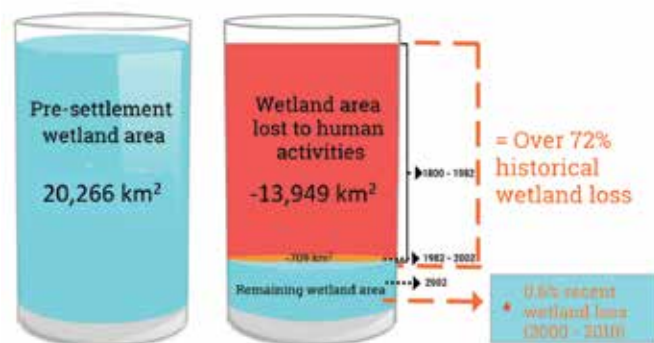
Volume 4: Southern Ontario's Wetlands and Forests

Chapter 1: Protecting Southern Ontario's Wetlands

Wetlands provide critical habitat and flood control. Government is letting them be destroyed.

Southern Ontario has lost nearly three-quarters of its wetlands in the last two centuries, and wetland loss continues today. Wetlands provide vital wildlife habitat for many species and important ecological services for people, including resilience to floods and other effects of climate change. Despite years of promises, the government continues to allow the loss of the few wetlands we have left.

The 2017 Wetland Conservation Strategy proposed to halt wetland loss by 2025. This is a good step, but still allows seven more years of damage. The government has done little to turn this target into meaningful action.



Historical wetland loss since European settlement and recent wetland loss (from 2000 to 2010) as a proportion of southern Ontario's remaining wetlands.

Source: Created by the Environmental Commissioner of Ontario.

Ontario's key failure is that wetlands generally receive no protection until the MNRF has got around to officially identifying each one as "provincially significant." The evaluation process is slow, inefficient, and has a 260-year backlog, creating uncertainty for developers and constant wetland loss. Instead, all unevaluated wetlands should be protected (i.e., presumed significant) until proven otherwise.

Second, the province unwisely permits destruction of even "protected" wetlands for many agricultural, infrastructure and resource extraction activities.

Third, conservation authorities lack clear authority and resources to protect all wetlands.

Fourth, Ontario's plan to halt wetland loss relies too heavily on "offsetting" – allowing destruction of wetlands in exchange for building an offset (replacement) somewhere else, a risky approach that may not replicate key ecological functions.

The government should:

- protect all southern Ontario wetlands as significant until proven otherwise
- revise the Provincial Policy Statement to provide strong protection for the remaining wetlands
- give conservation authorities clear authority and resources to regulate all activities that interfere with all wetlands
- make all wetlands on agricultural land eligible for a rebate through the Conservation Land Tax Incentive Program, and
- only allow offsetting in upcoming rules where wetland loss is truly unavoidable and only if key ecological functions are successfully and permanently replaced.

Chapter 2: Southern Ontario's Disappearing Forest

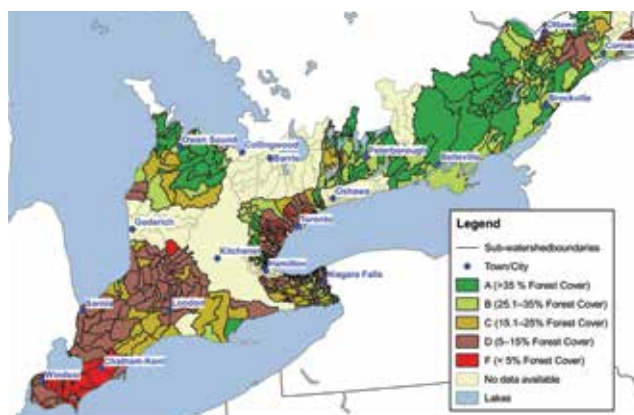
People and wildlife need forests. If we don't share the costs of forests fairly, we'll lose them again.

Forests filter pollutants from our air, absorb and filter storm water, prevent erosion and mitigate drought. Southern Ontario woodlands also provide vital wildlife habitat for many species, including over half of our 690 species of conservation concern.

Today, many southern Ontario watersheds have less than the 30% forest cover required for marginally functional ecosystems. Some municipalities in southwestern Ontario have less than 10% forest cover, and one has as little as 3% left, but the government continues to allow the loss of what little we have left.

For private landowners, planting and preserving woodlands has become an increasingly heavy burden which they bear alone, even though everyone in their community benefits from their trees. With little support or incentive for landowners to plant and retain trees, we risk losing more forests in southern Ontario.

Municipalities also struggle to protect urban trees, just as they are needed more than ever because of population growth and climate change. Municipalities are often unable to keep up with long-term urban forest planning and maintenance due to the high, sudden and growing costs of storm damage, invasive insects, and disease.



Percent forest cover in the watersheds of southern Ontario, 2018. Colour-coded by percent forest cover grade.

Source: Conservation Ontario data compiled and mapped by the ECO.

Ontario has made this mistake before. A century ago, government inaction allowed rampant deforestation. The devastation was so great that the province devoted decades to massive efforts to replant and support southern Ontario forests. In the last 30 years, these programs have been abandoned, culminating in this year's closure of the Ontario Tree Seed Plant without replacing its essential role in providing biologically and climactically appropriate seed.

To protect and regrow our forests, the province should:

- adequately support tree planting and forest stewardship on private land, to fairly share the financial burden and benefits
- guarantee funding for and public access to biologically and climactically appropriate seed, and
- establish an Ontario urban forest centre dedicated to protecting and enhancing urban forests.

The Environmental Commissioner of Ontario, also known as Ontario's "environmental watchdog," is an independent Officer of the Legislative Assembly responsible for reviewing and reporting annually on the government's compliance with the Environmental Bill of Rights (EBR) and the public's use of their EBR rights. The ECO also reports on government progress on environmental protection, climate change and energy conservation.